

December Second

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The Regular December Meeting of Danville City Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. “Pete” Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Albert K. “Buddy” Rawley, Jr., Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (9).

Administrative Staff Members present were City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, City Attorney Timothy R. Spencer, Assistant City Attorney W. Clarke Whitfield, Jr., Finance Director Aubrey D. Dodson, Legislative and Public Affairs Director Todd M. Yeatts, and Clerk of the Council Annette Y. Crane, CMC.

Other Staff Members present were Planning Associate Renee’ Blair, Community Development Director Jerry Fischer, Planning Director Ken Gillie, Parks, Recreation, and Tourism Director John Gilstrap, Planning Associate Lindy Lowery, and Deputy Director of Public Works/City Engineer Kent Shelton.

Mayor Hamlin presided.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Daniels offered the Invocation. The Pledge of Allegiance to the Flag followed.

Mayor Hamlin recognized Boys Scout Troop 359 Scout Master David Torborg. The group meets at Fairview United Methodist Church. Mr. Torborg said several members of the troop were working on two merit badges, citizenship in the community and communications. A requirement for each of the badges is attendance at a local government meeting. Scout Members attending were Tim Sloan, Jonathan Howard, Travis Phillips, Terry Holley, Jordan Evans, and Chris Andrews. Also present was Assistant Scout Master Dr. David Sloan.

Mayor Hamlin welcomed the group to the meeting.

### **ANNOUNCEMENTS AND SPECIAL RECOGNITION**

Mayor Hamlin announced that Career and Technical Education Program Coordinator Jackie Rochford, who was scheduled to speak, would make her presentation at a later date.

## **COMMUNICATIONS FROM VISITORS**

- Anita Brown Boyd, 132 Palm Street, appeared to express her concern about parked cars on Palm Street. She said some of these cars had deflated tires and that children played near the vehicles. She was concerned that wild animals in and around the cars could possibly harm the children. Mayor Hamlin requested that Public Works investigate Mrs. Boyd's concerns.

## **MINUTES**

- Council Member Archie requested that under "Announcements and Special Recognition" in the November 18, 2003 Minutes, the word "Galileo" be added to Principal Bill Lawrence's title. Mr. Lawrence is Principal of Galileo Magnet School.

- Upon Motion by Council Member Smith and second by Council Member Saunders, Minutes of the November 18, 2003 Council Meeting and the November 18, 2003 Work Session were approved as amended. Draft copies had been distributed to Council Members prior to the Meeting.

## **BUDGET ADOPTION-FY 2003-04-LONG MILL CONNECTOR TRAIL**

- Upon Motion by Council Member Castiglione and second by Council Member Archie, Ordinance No. 2003-11.04 presented by its First Reading on November 18, 2003 amending the 2003-2004 Budget Appropriation Ordinance by increasing anticipated revenues to provide for a Grant for the construction of the Long Mill Connector Trail for a total appropriation in the amount of \$100,000 was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

## **BUDGET ADOPTION-FY 2003-04-BALLOU PARK PLAYGROUND**

- Upon Motion by Council Member Smith and second by Council Member Rawley, Ordinance No. 2003-11.05 presented by its First Reading on November 18, 2003 amending the 2003-04 Budget Appropriation Ordinance by increasing anticipated revenues from private donations in the amount of \$10,000 for the redevelopment of Ballou Park Playground was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,

Smith, and Williams (9).

NAY: None (0).

### **BUDGET ADOPTION-FY 2003-04-LAW ENFORCEMENT BLOCK GRANT**

Upon Motion by Council Member Saunders and second by Council Member Castiglione, Ordinance No. 2003-11.06 presented by its First Reading on November 18, 2003 amending the 2003-2004 Budget Appropriation Ordinance by increasing revenue to anticipate the receipt of funds from the Local Law Enforcement Block Grant U. S. Department of Justice Office of Justice Programs Bureau of Justice Assistance and appropriating same was adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).

NAY: None (0).

### **APPOINT HELM DOBBINS TO AIRPORT COMMISSION**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

#### **RESOLUTION NO. 2003-12.01**

A RESOLUTION APPOINTING R. HELM DOBBINS AS A MEMBER OF THE AIRPORT COMMISSION.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).

NAY: None (0).

### **REAPPOINT KEN CALVERT TO BUILDING CODE BOARD OF APPEALS**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

#### **RESOLUTION NO. 2003-12.02**

A RESOLUTION REAPPOINTING KENNETH E. CALVERT AS A MEMBER OF THE

## **BUILDING CODE BOARD OF APPEALS.**

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).

NAY: None (0).

### **REAPPOINT LEWIS RAMEY TO BUILDING CODE BOARD OF APPEALS**

- Vice-Mayor Williams moved the adoption of a Resolution entitled:

#### **RESOLUTION NO. 2003-12.03**

**A RESOLUTION REAPPOINTING LEWIS I. RAMEY AS A MEMBER OF THE BUILDING CODE BOARD OF APPEALS.**

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).

NAY: None (0).

### **APPOINT ROBERT NEWNAM TO BUILDING CODE BOARD OF APPEALS**

- Vice-Mayor Williams moved the adoption of a Resolution entitled:

#### **RESOLUTION NO. 2003-12.04**

**A RESOLUTION REAPPOINTING ROBERT G. NEWNAM AS A MEMBER OF THE BUILDING CODE BOARD OF APPEALS.**

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).

NAY: None (0).

## **APPOINT MARCIA-LEE RICH TO BUILDING CODE BOARD OF APPEALS**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-12.05

A RESOLUTION REAPPOINTING MARCIA-LEE RICH AS A MEMBER OF THE BUILDING CODE BOARD OF APPEALS.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith, and Williams (9).

NAY: None (0).

## **REAPPOINT JAMES MOTLEY TO RETIREMENT SYSTEM BOARD OF TRUSTEES**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-12.06

A RESOLUTION REAPPOINTING JAMES A. MOTLEY AS A MEMBER OF THE EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith, and Williams (9).

NAY: None (0).

## **REAPPOINT LINWOOD WRIGHT TO RETIREMENT SYSTEM BOARD OF TRUSTEES**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-12.07

A RESOLUTION REAPPOINTING E. LINWOOD WRIGHT AS A MEMBER OF THE

## **EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES.**

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

### **REAPPOINT LINWOOD SAUNDERS TO FAIR HOUSING BOARD**

- Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-12.08

A RESOLUTION REAPPOINTING LINWOOD SAUNDERS AS A MEMBER OF THE FAIR HOUSING BOARD.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

### **APPOINT BETTY M. SMITH TO FAIR HOUSING BOARD**

- Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-12.09

A RESOLUTION APPOINTING BETTY M. SMITH AS A MEMBER OF THE FAIR HOUSING BOARD.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

## **REAPPOINT FRED SHANKS TO PLANNING COMMISSION**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

### **RESOLUTION NO. 2003-12.10**

A RESOLUTION REAPPOINTING FRED O. SHANKS AS A MEMBER OF THE PLANNING COMMISSION.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith, and Williams (9).  
NAY: None (0).

## **REAPPOINT JOE MILLER TO PLANNING COMMISSION**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

### **RESOLUTION NO. 2003-12.11**

A RESOLUTION REAPPOINTING JOSEPH B. MILLER AS A MEMBER OF THE PLANNING COMMISSION.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith, and Williams (9).  
NAY: None (0).

## **PUBLIC HEARING - ZONING & SUBDIVISION REGULATIONS**

Mayor Hamlin opened the floor for a Public Hearing to consider receiving the recommendation of the Planning Commission and adopting new Zoning and Subdivision Regulations. Notice of the Public Hearing had been duly published in the Danville Register and Bee on November 18 and 25, 2003.

Mayor Hamlin announced there would be a five-minute time limit for each citizen who wished to speak during the Public Hearing. There were approximately 125 citizens present for the Public Hearing.

The following residents appeared before Council Members to address various issues related to the proposed new zoning and subdivision regulations:

- 1) Attorney Mark Williams spoke in behalf of R. J. Johnston, 113 Mockingbird Lane, Raymond Paul, 107 Mockingbird Lane, and Thelma Farrar, who owns property at 110 & 114 Mockingbird Lane. Mr. Williams said these are properties that are currently zoned C-2. The proposed plan will rezone the property to “Threshold Residential.” The owners are requesting that the property remain C-2. Mr. Johnston owns a lot of property there and presently there are two buildings on the property. One is a storage building, the other a machine shop. Industrial property is located across the street and behind the property is the Route 265 Bypass, and more importantly, the property sits in a flood zone. Mr. Williams said that it is not feasible for this property to be zoned “residential.” The only good and valuable use would be for the property to remain C-2.
  - 2) Debbie Thomas, 507 Bermuda Road, spoke in opposition to her property being rezoned from “Residential” to “Residential-Commercial.” Ms. Thomas felt that under the Residential-Commercial zoning, there was the possibility that facilities could be constructed there that would not fit into a neighborhood community. She passed out a petition to Council Members signed by neighboring residents objecting to the rezoning.
  - 3) Mike Leggett, 3300 Westover Drive, spoke in opposition to changing zoning of his property from “Agriculture” to “Threshold.” Mr. Leggett felt it should remain as it is because he feels the area is not conducive to “threshold.” He said the land would be rendered useless because there are sewer right-of-ways, flood plains, power lines, and steep hillsides along the property. Mr. Leggett requested that Council reconsider what threshold could be used for by incorporating additional uses, so he could use the property for which it was purchased. Mr. Leggett was issued a Special Exception Permit from City Council last year to keep horses.
- Charles Curtis, 626 York Place, voiced his agreement with Mr. Leggett, and also mentioned using the property for the boarding of horses.
- 4) Jeff Rodden, 3324 Westover Drive, opposed the rezoning of property at 255 Lamberth Drive from “Agricultural” to “Threshold-Residential.” Mr. Rodden said he purchased the property after receiving a variance from the Board of Zoning Appeals that allowed him to construct a home, a pond, and keep horses.



5) Scott Jarrett, 166 Sellers Road, appeared to oppose the rezoning of property at 2003 South Boston Road from R1-B to HR-C. Mr. Jarrett said the residents of the area had presented a petition to the Planning Commission at one of the public hearings requesting that the zoning remain R1-B. He said the residents did not wish to see more commercial growth in the neighborhood.

Mr. Jarrett also spoke in opposition to rezoning Dr. Bruce Hughes' property. The current owner would like the option of moving onto the property later and does not wish to be rezoned.

6) John Hunnicutt, 368 Mowbray Arch, spoke against any zoning change to property in Southwyck Farms. He said the properties should remain Single Family Residential. Mr. Hunnicutt felt that if nearby properties were to be zoned "Multiple Family Dwelling," it would increase traffic and cause disturbance in what is now a peaceful residential area.

7) Christopher Dunlap, spoke relating to properties located at 2331-2333 Riverside Drive, 1074 & 1080 Franklin Turnpike, and 375 Justin Lane. Mr. Dunlap said there were actually five properties on Franklin Turnpike, 1074, 1080, 1084, 1084A, and 1088. Tracts 1084 and 1088 are proposed to be rezoned "Neighborhood Commercial," while the other two leading to the corner are to be "Olde Town Residential." Mr. Dunlap requested that these two properties also be zoned to "Neighborhood Commercial." With the setback requirements on the properties now, there is no way they could be developed individually. They could only be developed as a group. It just makes sense to make the change.

Mr. Dunlap next addressed the Justin Lane property. He said a lot of time and money had gone into cleaning up the property, which is presently used as a warehouse facility allowing outside storage. Under the new zoning, "Light Economic Development (LED-1)," no outside or construction storage is permitted. Mr. Dunlap requested the zoning be M-1, which would meet the needs of the owner.

Mr. Dunlap requested the Riverside properties, which are proposed to be rezoned HR-C, remain at C-2. He said there would be a lot of properties along Riverside Drive that would be unsellable unless combined with another property. This would limit the amount of available property on Riverside Drive. He requested that the owners be allowed to continue the present usage.

8) Attorney James Daniel appeared in behalf of Davis Aikins, Danville Distributing Company located on Gatewood Avenue. Mr. Daniel said recently Anhauser-Busch informed Danville Distributing Company that the size of the storage facility must be

increased. The company proposes to extend the facility to the rear of the property and construct a parking lot across the street from the facility. He said the extension would not cause further intrusion into the neighborhood. Mr. Daniel requested that Mr. Aikins be allowed to do so.

9) Larry Soyars requested that property at 464 and 476 Church Avenue be changed from S-R to HR-C. Planning Director Gillie said that the zoning should be HR-C.

10) Bill Weaver requested that property located on Corning Boulevard be rezoned from Threshold/Suburban Residential to a new category “transitional.” He said he would not want to build a home that faced the new interstate or face Corning Boulevard. He felt that some type of transitional housing such as condominiums might be better suited for the property.

11) Bob Holland, Ruby Doss and Betty Burnette, and Laura Still spoke in favor of leaving the lot at 3032 Westover Drive as Residential. She said there were elderly citizens living nearby and did not want any commercial development at the Bromley Drive area. Mr. Gillie said the property is being shown on the map as Suburban Residential.

12) Bill Sterner, property owner at 100 Kentuck Road and on 58 East, said there were inconsistencies in parking and loading regulations in the new ordinance. He said he would like to meet with Mr. Gillie in the near future. Mr. Sterner felt the highway retail should remain at C-2 lot widths, lot footages, setbacks, except perhaps a 40-foot frontage instead of a 20-foot frontage, if it pertains simply to structures. Mr. Sterner presented graphics of the property at issue for the Planning Director and Council Members to review. He expressed concern about the ability of future property owners to use the land as they wish.

13) Richard Carlton appeared to congratulate City Council and Planning Commission for the great job they had done in developing the new zoning and subdivision ordinances. Mr. Carlton spoke in favor of fervent community development efforts in Danville.

14) John Foster appeared to express concern about the proposed zoning at 2137 South Boston Road, 113 & 121 Gough Street, 1295 South Boston Road and adjoining 500 Bermuda Road, and lots beside Burger King on South Boston Road. Mr. Foster said that the property at 2137 South Boston Road has been an office since 1977. Under the new zoning, it has been changed to Suburban Residential (SR). The dwelling behind the property had been C-2 and that, too, has been changed to SR. Mr. Foster pointed out that everything around the properties on both sides of the street are commercial businesses. He said there were thirteen (13) residences on Crystal Lane and the proposed zoning lists these properties as commercial. He said he hoped this was a mistake as all the properties at issue

had been reversed. Mr. Foster said that because of the new setback requirements, it would be impossible to put an adequate size building at 500 Bermuda Road for rental purposes. He said if there were many lots such as this in the City, the new setback requirements would kill the investor.

15) Ken Ferrell, 1115 Franklin Turnpike, appeared representing A. K. Ferrell Construction and AK Corporation. One of Mr. Ferrell's concerns was property in the Southwyck Farms area across from the Southwyck Plaza. A number of years ago, the property was zoned "commercial." Mr. Ferrell said Attorney Lee Yancey had appeared before the Planning Commission recently and the Commission agreed upon an analysis of the area in question. He said another concern is property in the Route 41 area across from Shadowwood Mart. The property had been commercial for about 15 years. The Planners felt the property should be rezone to residential. Since a lot of Route 41 is commercial, Mr. Ferrell felt the property in questions should also be commercial.

16) Ernie New, 110 Riveroak Drive, appeared representing Associated Services, who operate twelve (12) coin laundries in Danville. Mr. New said that in the new proposal, the requirement is to have one parking space for every two washing machines in each facility. He said a large parking lot is not needed because most customers use four or five washing machines. He requested that the requirement be reconsidered and suggested one parking space for every four washing machines in order to keep the business' cost down. Mr. New said he had one property on Route 58 that is not conducive to adding additional parking.

17) Kevin Wolfgang, representing FasMart Corporation, appeared to request a change in the zoning at 1794 South Main Street. The proposed zoning for the property is Light Economic Development (LED-1). The zoning had been C-2 and Mr. Wolfgang should it should be HR-C. He said going from C-2 to HR-C would greatly restrict the business' ability to improve much of the aesthetic values of the FasMart properties if green space issues continue to escalate.

18) Lois Love, 123 Candlewood Road, said she and her husband developed Southwyck Farms. She said of the original farm, there were approximately ninety-five (95) acres remaining to be developed. The Planning Commission has recommended the land be zone Suburban Residential in keeping with the existing neighborhood. Mrs. Love said she supported this recommendation. Mrs. Love had distributed copies of her comments before the Planning Commission to Council Members. In reference to a petition signed by 449 residents of Southwyck Farms, Mrs. Love said not one resident requested anything other than what is being recommended by the Planning Commission. She said the petition stated "R1-A residential or its equivalent" under the new zoning classifications. The equivalent under the new zoning requirements is "Suburban Residential (SR)." As had been suggested

by some individuals, Ms. Love stated she had not requested to build cluster homes nor was she asking to do so now. In keeping with Suburban Residential, Mrs. Love said she and her husband wished to complete Southwyck Farms in the manner in which they started it many years ago.

19) Mark Gignac, 106 Abercrombie Place, Southwyck Farms, appeared representing approximately 95% of the residents who signed the petition. Mr. Gignac said the residents did not wish to tie the hands of the property owners. Their concern was that if the property was zoned SR, the possibility existed that the land could be developed in a manner not consistent with the neighborhood. Another concern of the residents is zoning consistency. If 339 people are ignored, Mr. Gignac suggested that something is wrong with the plan. He said that he is not at all convinced the SR zoning designation would protect the neighborhood. He advised that residents attended a Planning Commission meeting approximately three weeks ago and at that time, the Commission voted 6-0 to zone the property at issue as “threshold.” At a later meeting, the Planning Commission voted 5-1 to vote against the “threshold” designation with no explanation or forewarning. Mr. Gignac asked that the property be zoned “threshold” and to consider the will of the neighborhood as much or more so than an engineering document. Mr. Gignac was referring to a Master Plan submitted by the Love’s when Southwyck Farms was in the early stage of development.

Vice-Mayor Williams said there was a detail missing in the discussion of the petition. Dr. Williams said the petition addresses an error by City Council, since the original Comprehensive Land Use Plan had property in Southwyck proposed for Multi-Family Housing. He said that with the multi-family designation, there could have been apartments in the neighborhood and the issue was appropriately addressed by the neighborhood before “threshold residential” was defined.

The petition representing 419 homes in Southwyck Farms and Grove Park and a letter from Mrs. Virginia Pugh, in support of Lois Love, was presented to the City Clerk.

No one further desired to be heard and the Public Hearing was closed.

At 9:30 p.m., Mayor Hamlin recessed the meeting and reconvened at 9:45 p.m.

Mayor Hamlin said that it was the wish of Council to defer action on the two ordinances until the issues presented in the Public Hearing could be further considered.

Council Member Smith moved that action on the Zoning and Subdivision Ordinances be tabled and discussed during the December 16, 2003 Work Session. The Motion was seconded by Council Member Archie and carried unanimously.

## **HEARING-VACATE & SELL 0.034 ACRE-1333 INDUSTRIAL AVENUE**

- Mayor Hamlin opened the floor for a Public Hearing to consider a request to vacate and abandon a portion of surplus right-of-way located adjacent to 1333 Industrial Avenue. Notice of the Public Hearing had been duly published in the Danville Register and Bee on November 18 and 25, 2003. No one present desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of an Ordinance entitled:

### **ORDINANCE NO. 2003-12.01**

**AN ORDINANCE VACATING AND SELLING AN 0.034 ACRE OF THE SURPLUS RIGHT-OF-WAY LOCATED ADJACENT TO 1333 INDUSTRIAL AVENUE.**

The Motion was seconded by Council Member Rawley and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

## **ACCEPT RESIGNATION OF CITY ATTORNEY TIM SPENCER**

- Council Member Archie moved the adoption of a Resolution entitled:

### **RESOLUTION NO. 2003-12.12**

**A RESOLUTION ACCEPTING THE RESIGNATION OF THE CITY ATTORNEY, TIMOTHY R. SPENCER, EFFECTIVE DECEMBER 31, 2003.**

The Motion was seconded by Vice-Mayor Williams and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

## **APPOINT CLARKE WHITFIELD AS INTERIM CITY ATTORNEY**

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Council Member Archie moved the adoption of a Resolution entitled:

**RESOLUTION NO. 2003-12.13**

**A RESOLUTION APPOINTING W. CLARKE WHITFIELD, JR. AS INTERIM CITY ATTORNEY.**

The Motion was seconded by Council Member Smith and adopted by the following vote:

**VOTE:** 9-0  
**AYE:** Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
**NAY:** None (0).

**COMMUNICATIONS**

- City Manager Gwaltney noted that a change had been made in Paragraph No. 1 on Page 271 of the proposed zoning ordinance regarding sign permits. He recalled that Council had discussed this portion of the ordinance at an earlier work session. It was decided at the time that once a sign permit had been issued, an individual would have six months to erect the sign. The proposed ordinance erroneously states "30 days." Mr. Gwaltney said he administratively requested Planning Director Gillie to change the "30 days" to "six months."

City Attorney Spencer expressed thanks to Assistant City Attorney Clarke Whitfield for the support he had given him for the past five years and wished him well in his new position as Interim City Attorney. Mr. Spencer has resigned to take a position as Senior Assistant City Attorney in Roanoke, effective December 31, 2003.

There were no communications from the Deputy City Manager and City Clerk.

**ROLL CALL**

- Council Member Archie asked that a traffic signal be placed at the entrance to Ruby Tuesday, Chic-fil-A and the theatre on Riverside Drive. She said an accident is waiting to happen there because the patrons of these facilities exit where there is no stoplight. The access road at Sheetz, where there is a stoplight, is not being used as often as was anticipated. Mrs. Archie asked the administration to investigate the possibility of placing a stoplight on Riverside Drive at that entrance.

Mrs. Archie reported that she attended a Positive Parenting class, conducted by Dr. Adolph

Brown, at Westwood School on Thursday. She said she wished all of City Council and all School Board Members had been present. Dr. Brown had great ideas that would have helped the City deal with truancy and the dropout rate in City Schools.

Mrs. Archie thanked Fire Chief B. G. Lewis for the excellent employee newsletter “The Fire Line.” She said the articles were very informative and interesting.

Council Member Castiglione reported the GWHS Class of 1983 held a 20<sup>th</sup> reunion celebration recently with three honored guests. He said Council Member Archie was one of the honored guests and said it spoke highly of the influence Mrs. Archie had with her students.

Mr. Castiglione said Danville Community College (DCC) opened an additional Neighborhood Education Opportunity Center in Cascade, Pittsylvania County, Virginia today. He conveyed to Mayor Hamlin appreciation from the Supervisors for the City’s continuing regional education efforts.

Mr. Castiglione commended Deputy City Manager Lacy for his efforts in resolving a neighborhood issue recently. He said Mr. Lacy was an asset to the City of Danville and that neighbors appreciated his efforts in taking care of the problem.

Council Member Daniels commended Mayor Hamlin for the excellent Public Hearing held earlier during the Council Meeting. With a total of 25 speakers, Mayor Hamlin conducted the proceedings in a manner that caused the Hearing to run smoothly.

Mayor Hamlin thanked the Planning Commission and City Council for almost three years work on the proposed Zoning and Subdivision Ordinances.

Council Member Luther said the Public Hearing was a good one and that input from citizens was very insightful and meaningful.

Council Members Rawley and Saunders agreed with Mr. Luther and thanked the citizens who participated. Mr. Saunders offered congratulations to City Attorney Spencer and welcomed Clarke Whitfield as Interim City Attorney.

In response to Mrs. Archie’s concern about traffic problems at the Ruby Tuesday entrance off Riverside Drive, Council Member Smith said he felt it would cause more problems if another traffic signal were placed near the stoplight that already exists at the intersections of Riverview Drive and Riverside Drive. Mr. Smith said it was a sad situation, as it now exists.

Vice-Mayor Williams said the proposed new zoning and subdivision regulations were a great

example of how City Council is willing to take on big projects and meet them head-on. Dr. Williams said City Council and the Planning Commission had been working on the project for three years. The Comprehensive Land Use Plan had not been changed in 20 years. The present zoning and subdivision regulations, which have existed since 1987, had caused past and present Council Members many headaches. Work on these documents had to be done and Dr. Williams felt that future Council Members and citizens would be grateful for the hard work that has gone into formulating the regulations. He said an unprecedented amount of citizen input in ten (10) public hearings held by the Planning Commission had been received and attendance during the Public Hearing held tonight will allow for a more comprehensive product. Dr. Williams said these regulations would be something that present and future Council Members could be very proud of when the project is completed.

The Meeting adjourned at 10:12 P.M.

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MAYOR

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CLERK